

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION

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MODESTA BENCOMO, Individually and on  
Behalf of All Others Similarly Situated,

Case No.: 18-CV-1259

Plaintiff,

v.

FORSTER & GARBUS LLP, TD BANK USA,  
N.A., and TARGET CORPORATION,

Defendants.

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**NOTICE OF MOTION AND MOTION TO DISMISS  
PLAINTIFF'S AMENDED CLASS ACTION COMPLAINT**

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The Defendants, TD Bank USA and Target Corporation, by their attorneys, Hinshaw & Culbertson LLP, respectfully moves the Court for an order dismissing Plaintiff's Amended Complaint with prejudice pursuant to Fed. R. Civ. P. 12(b)(6). This motion is further based upon the accompanying brief and all pleadings, written instruments, papers, and proceedings filed and held to date in this action.

Dated this 3<sup>rd</sup> day of December, 2018.

/s/ Alyssa A. Johnson

Alyssa A. Johnson

State Bar No. 1086085

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N.A., and TARGET CORPORATION

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